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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/559,927

03/16/2006

Andreas Welsch

499/09

9548

1609

7590

07/02/2008

ROYLANCE, ABRAMS, BERDO & GOODMAN, L.L.P.

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EXAMINER

WALBERG, TERESA J

ART UNIT

PAPER NUMBER

3744

MAIL DATE

DELIVERY MODE

07/02/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/559,927

Applicant(s)

WELSCH, ANDREAS

Examiner

Teresa J. Walberg

Art Unit

3744

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 March 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 December 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☒ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/5508)
- Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Acknowledgment is made of applicant's claim for foreign priority based on applications 103 28 177.0 filed in Germany on 06/17/2003 and 103 31 215.3 filed in Germany on 07/10/2003. It is noted, however, that applicant has filed a certified copy of document 103 28 177.0, but has not filed a certified copy of the 103 31 215.3 application as required by 35 U.S.C. 119(b).

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 11, 14, and 16-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thome et al (6,290,473) in view of Plant (5,649,587).

Thome et al disclose a fluid cooling device including (see Fig. 3) a drive motor (10), a rotatable fan wheel (12) driven by the drive motor (10), a first fluid pump (14) driven by the drive motor (10) and mounted on a shaft line jointly with the fan wheel (Fig. 3), a reservoir tank (16) of plastic material containing a fluid conveyable into a working circuit that heats the fluid in operation of the working circuit (col. 1, lines 46-52), parts of the reservoir tank (16) at least partially enclosing the fan wheel (12) and forming a fan housing (Fig. 1), the tank (16) having a bottom side trough part and an upright side trough part (24) seated on

and extending vertically on the bottom side trough (Fig. 1), the bottom side trough and upright side trough being integrally connected (Fig. 1), the bottom side trough having a longitudinal extension equal to at least an overall length of a combination of the drive motor and the first pump (Fig. 1), a heat exchanger (20) receiving and cooling the fluid returning to the reservoir tank (16) from the working circuit (col. 1, lines 46-52), the tank having plural tank chambers (Fig. 5).

Thome et al do not disclose the bottom side trough and upright side trough forming a hollow collar in which the fan wheel is rotatably mounted and do not disclose a second fluid pump driven by the motor drive.

Since Thome et al teach the use of a motor to drive both a fan and a pump, it would have been obvious to one of ordinary skill in the art to use the motor to drive additional pumps, the motivation being to reduce the number of parts needed to operate the device.

Plant discloses a combined fan shroud and fluid tank including a bottom side trough and upright side trough forming a hollow collar in which the fan wheel is rotatably mounted. See Fig. 5 and col. 2, lines 59-62.

It would have been obvious in view of Plant to provide a bottom side trough and upright side trough which a hollow collar in which the fan wheel is rotatably mounted in the cooling device of Thome et al, the motivation being to enable easier assembly of the device.

Art Unit: 3744

4. Claims 12, 13, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thome et al (6,290,473) in view of Plant (5,649,587) and further in view of Albright et al (6,871,697).

Thome et al in view of Plant disclose a fluid cooling device having the claimed structure with the exception of the hollow collar delimiting a first opening covered by and facing the heat exchanger, the first cross section area being larger than the second cross sectional area facing the drive motor and fan wheel, the heat exchanger including first and second heat exchangers.

Albright et al discloses a hollow collar (38A, 40A) delimiting a first opening covered by and facing the heat exchanger (46, 48, 50), the first cross section area being larger than the second cross sectional area facing the drive motor and fan wheel (Fig. 9), the heat exchanger including first and second heat exchangers (46, 48, 50).

It would have been obvious in view of Albright et al to provide the hollow collar delimiting a first opening covered by and facing a heat exchanger, the first cross section area being larger than the second cross sectional area facing the drive motor and fan wheel, the heat exchanger including first and second heat exchangers in the cooling device of Thome et al in view of Plant, the motivation being to provide smoother air flow and a more compact device.

5. Applicant's arguments with respect to claims 11-20 have been considered but are moot in view of the new ground(s) of rejection.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Teresa J. Walberg whose telephone number is 571-272-4790. The examiner can normally be reached on M-F 8:00 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cheryl Tyler can be reached on 571-272-4834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Teresa J. Walberg
Primary Examiner
Art Unit 3744

/TW/